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9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

11 RUSSELL KENT HIGGINS, an individual,
12 and TAMMY HIGGINS, an individual,

13 Plaintiffs,

14 v.

15 GUSTAVO WILSON, an individual; HAZEL
16 TRUCKING, LLC, a Utah limited liability
company; DOES I through X inclusive; and
17 ROE CORPORATIONS I through X,
inclusive,

18 Defendants.

Case No. 2:19-cv-01145-APG-BNW

The Hon. ANDREW P. GORDON

**STIPULATION AND ORDER FOR
EXTENSION OF TIME FOR
DISCOVERY**

(Fifth Request)

19 In accordance with LR IA 6-1, 6-2, and 26-4, Plaintiffs Russell Kent Higgins and Tammy
20 Higgins, and Defendants Gustavo Wilson and Hazel Trucking, LLC (the "parties"), hereby stipulate to
21 extend the discovery deadlines in this case by 60 days. This is the fifth stipulation for an extension of
22 time to conduct discovery. Good cause exists to extend the time for discovery due to the unavailability
23 of medical providers for deposition.

24 **1. DISCOVERY COMPLETED TO DATE.**

- 25 a. On September 5, 2019, Defendants served their List of Witnesses and Documents.
26 b. On September 6, 2019, the parties exchanged medical records authorizations.
27 c. On September 11, 2019, Plaintiffs served their Initial Disclosures Pursuant to FRCP
28 26(a)(1)(A).

1 d. On November 4, 2019, Plaintiffs served a First Set of Requests for Production of Documents
2 to Defendant Hazel Trucking, LLC.

3 e. On November 12, 2019, Plaintiffs served a First Set of Interrogatories and First Set of
4 Requests for Admissions to Defendant Hazel Trucking, LLC.

5 f. On November 27, 2019, Defendant Hazel Trucking LLC propounded Interrogatories and
6 Requests for Production upon Plaintiff.

7 g. On December 4, 2019 Plaintiffs served their First Supplement to Initial Disclosures Pursuant
8 to FRCP 26(a)(1)(A).

9 h. On December 10, 2019 Defendant Hazel Trucking, LLC responded to Plaintiffs First Set of
10 Requests for Production, Requests for Admission, and Interrogatories.

11 i. On December 17, 2019 Plaintiffs served their Second Supplement to Initial Disclosures
12 Pursuant to FRCP 26(a)(1)(A).

13 j. On December 20, 2019, Plaintiffs conducted the deposition of Defendant, Wilson Gustavo
14 Pio.

15 k. On December 24, 2019, Defendants served their First Supplement to List of Witnesses and
16 Documents.

17 l. On January 21, 2020, Plaintiffs served their Third Supplement to Initial Disclosures Pursuant
18 to FRCP 26(a)(1)(A).

19 m. On January 21, 2020, Plaintiff provided Responses to Defendant, Hazel Trucking, LLC's
20 First Set of Interrogatories and Requests for Production of Documents.

21 n. On January 29, 2020, Defendants conducted the deposition of Plaintiff, Russell Kent Higgins.

22 o. On March 18, 2020 Defendants served their Second Supplement to List of Witnesses and
23 Documents.

24 p. On April 3, 2020, Plaintiffs served their Fourth Supplement to Initial Disclosures Pursuant to
25 FRCP 26(a)(1)(A).

26 q. On May 22, 2020 Defendants served their Third Supplement to List of Witnesses and
27 Documents.

1 r. On June 17, 2020, Plaintiffs served their Fifth Supplement to Initial Disclosures Pursuant to
2 FRCP 26(a)(1)(A).

3 s. On June 26, 2020, Plaintiffs served their Sixth Supplement to Initial Disclosures Pursuant to
4 FRCP 26(a)(1)(A).

5 t. On May 27, 2020 Defendant Hazel Trucking LLC served its Second Set of Interrogatories and
6 Requests for Production of Documents.

7 u. The parties attended mediation on June 30, 2020.

8 v. On July 24, 2020 Plaintiff provided responses to Defendant Hazel Trucking, LLC's Second Set
9 of Interrogatories and Requests for Production of Documents, in addition to serving their Seventh
10 Supplement to Initial Disclosures Pursuant to FRCP 26(a)(1)(A).

11 w. On August 25, 2020, Plaintiff submitted to a Rule 35 examination with Defendants' expert.

12 x. On September 28, 2020 Defendants served their Fourth Supplement to List of Witnesses and
13 Documents.

14 y. The parties disclosed initial experts. Defendants served their Designation of Expert Witnesses
15 on September 28, 2020, and Plaintiffs served their Disclosure of Initial Expert Witnesses on November
16 16, 2020.

17 z. On November 13, 2020, Defendants took the deposition of Plaintiff Tammy Higgins.

18 **2. DISCOVERY REMAINING TO BE COMPLETED.**

19 a. Plaintiffs will take the depositions of Defendants' expert witness David L. Ginsburg, M.D.

20 b. Plaintiffs will take the depositions of Plaintiff's treating physicians Thomas A. Schweller,
21 M.D. and Jarrod Johnson, DO.

22 c. Defendants may take the deposition of Plaintiffs' expert witness Kenny Hanna, M.D.

23 d. Defendants may take the depositions of Plaintiff's treating physicians, including Richard I.
24 Woods, M.D., and possibly others.

25 **3. THE REASONS DISCOVERY WAS NOT COMPLETED.**

26 The only discovery left to be completed is depositions of medical doctors. The parties have
27 worked to schedule these depositions, yet are subject to the availability of these providers. Further,
28 many of these providers are located in California, which has imposed more restrictive COVID-19

protocols than Nevada. The holidays have also played a role in the limited availability of these providers and counsel. As a result, the parties have been unable to schedule these depositions within the current discovery deadlines. Good cause exists to grant this limited discovery extension to permit the parties to conduct these depositions.

4. PROPOSED DISCOVERY SCHEDULE.

Deadline	Current Deadline	Proposed Deadline
Add Parties/Amend Pleadings	CLOSED	CLOSED
Initial Expert Disclosures	11/16/2020	CLOSED
Rebuttal Expert Disclosures	12/14/2020	CLOSED
Close of Discovery	1/11/2021	3/12/2021
Dispositive Motions	2/10/2021	4/12/2021

PANISH SHEA & BOYLE, LLP

DATED: January 5, 2021

By: /s/ Adam Ellis

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DATED: January 5, 2021

By: /s/ Marsha Stephenson

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*Attorneys for Defendants Hazel Trucking, LLC
and Wilson Gustavo Pio*

ORDER

IT IS ORDERED that the parties' stipulation is GRANTED. The Court strongly encourages the parties to utilize all technological means available to conduct depositions remotely, if travel is not an option.

IT IS SO ORDERED

DATED: 3:36 pm, January 12, 2021

BRENDA WEKSLER

4 UNITED STATES MAGISTRATE JUDGE